

**Testimony regarding
Proposed Bill No. 258– AN ACT CONCERNING CERTIFICATES OF APPROVAL FOR THE LOCATION OF
MOTOR VEHICLE DEALERSHIPS AND REPAIR SHOPS**

We offer the following testimony for the consideration the Planning and Development Committee, March 2nd 2020 hearing.

The issuance of dealer's and repairers' licenses by the Connecticut Department of Motor Vehicles (DMV) is hindered by Section 14-54 of the Connecticut General Statutes (CGS). Section 14-54 exposes small businesses to unnecessary process, costs, and scrutiny.

An entity seeking the issuance of a dealer or repairer license from the DMV, under 14-54, must first obtain a certificate of approval from the local Zoning Board of Appeals (ZBA). The reasoning for this is not clear. Under this statute the local ZBA is acting as an agent of the DMV (not under Title 8, Chapter 124, the authorizing statutes of Zoning).

There is no criterion or time frame specified for the issuance of a certificate under CGS 14-54. CGS 14-55 previously set forth a series of criteria that a local agency was to consider in reviewing the location for which a dealer and repairer licenses was to be issued. CGS 15-55 was repealed in 2003 with no replacement. It is no longer clear what the standards of review are for the process required under 14-54.

Small business owners seeking a certificate typically are forced to prepare and submit an application to the local ZBA, and pay a fee to the municipality in addition to the licensing fee to the DMV. Under this process the ZBA may also schedule a public hearing, which incurs the time and costs associated with the publications of legal notices, and additional notices if required by the local municipality (i.e. the posting of a sign on the property and mailings to abutters). They must then appear before the local ZBA, and present their business, subjected to the whim of local volunteers without clear criterion to evaluate and administer. (If the local authority denies a location approval, what would the basis be? What would the subsequent appeal specify?)

Depending on how frequently the local ZBA meets could result in a considerable delay (and associated carrying costs). Many ZBA's meet only once a month. In one recent application proceeding a small business owner waited nearly 60 days to get their certificate of approval for a location where an identical existing business was operating under a license for years.

Over the course of our professional careers, the overwhelming majority of applications are small ('mom and pop') businesses. They are also typically persons simply to operate in an existing space where a dealer or repairer has been established for decades yet, by statute, the location needs to be evaluated.

More perplexing, the uses are typically legally allowed to operate under Zoning. Uses allowed under zoning are understood to be compatible within the districts they are located. A use legally allowed to occur on a property under zoning could not be unsuitable.

We can look at current established practices for a solution. It is not uncommon for the local Zoning Enforcement Officer (ZEO) to administratively sign off on other types of state issued licenses quickly and efficiently. Examples include the issuance of state licenses for medical marijuana dispensary's, liquor permits under the state liquor control act, kennels and pet facilities under CGS 22-344, and bakery licenses under CGS 21a-15, just to name a few. In all these comparable state license reviews the evaluation is simple, if a Zoning Commission has allowed the use on the property under Title 8, Chapter 124, the location is suitable. In these reviews the ZEO signs off on the license 'over the counter'. This same efficient process can and should occur for dealer's and repairer's licenses under CGS 14-54.

Please end the process of sending small business owners before a public board for something that has already been determined.

A proposed rewriting of CGS 14-54 is included below for your consideration.

Thank you.

Neil S. Pade AICP

Director of Planning and Community Development
Town of Canton, Connecticut
4 Market Street, Collinsville, CT 06022-0168
860-693-7891 Phone
npade@townofcantonct.org

Robert A. Phillips, MS/MPA, AICP

Director of Planning and Community Development
John Weichsel Municipal Center
196 North Main Street, Southington, CT
P - 860-276-6248
phillipsr@southington.org

Sec. 14-54. Location to be approved by [local building official and local fire marshal] authorities. Any person who desires to obtain a license for dealing in or repairing motor vehicles shall first obtain and present to the commissioner a certificate from the local zoning enforcement official of the municipality wherein such licenses is to be maintained that the location and use of property conforms to the municipal zoning regulations. [of approval of the location for which such license is desired from the board or authority designated by local charter, regulation or ordinance of the town, city or borough wherein the business is located or is proposed to be located, except that in any town or city having a zoning commission, combined planning and zoning commission and a board of appeals, such certificate shall be approved by the board of appeals.] In addition thereto, such certificate shall be approved by the local building official and local fire marshal. The provisions of this section shall not apply to (1) a transfer of ownership to a spouse, child, brother, sister or parent of a licensee, (2) a transfer of ownership to or from a corporation in which a spouse, child, brother, sister or parent of a licensee has a controlling interest, or (3) a change in ownership involving the withdrawal of one or more partners from a partnership.